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|----|------------|--|-----------|------------|
| 1 | 201-084-99 | WILLIAMS GLENN HOA | 12615-120 | R-4(CD) |
| 2 | 201-083-31 | WILLIAMS GLENN HOA | 13683-641 | R-4(CD) |
| 3 | 201-081-05 | THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION | 31056-341 | R-3 |
| 4 | 201-481-02 | PULTE HOME COMPANY LLC | 33564-795 | R-12MF(CD) |
| 5 | 201-481-41 | PRINGLE TOWNS TOWNHOME OWNER ASSOCIATION | 35781-073 | R-12MF(CD) |
| 6 | 201-481-08 | PRINGLE SQUARE LLC | 32504-314 | R-12MF(CD) |
| 7 | 201-481-07 | RALPH S GRIER | 33367-387 | R-3 |
| 8 | 201-091-07 | SWEETGRASS BEREWICK LLC | 34890-123 | MUDD-O |
| 9 | 201-091-20 | KNCT DIXIE RIVER LLC | 29640-137 | NS |
| 10 | 201-091-19 | KNCT DIXIE RIVER LLC | 29640-137 | NS |
| 11 | 201-091-16 | DAVID E JARRELL | 12290-692 | R-3 |
| 12 | 201-091-02 | CARL WILLIAM YAUS | 03237-608 | R-3 |
| 13 | 201-091-01 | RICHARD DALE HOOVER | 04906-710 | R-3 |
| 14 | 201-075-04 | HARPER CAPITAL I LLC | 31558-711 | R-3 |



VICINITY MAP

NTS

SITE DEVELOPMENT DATA

ACREAGE: ± 184.90 ACRES

TAX PARCEL #S: #201-091-15 AND #201-091-08

EXISTING ZONING: R-3

PROPOSED ZONING: (I) O-2 (CD); (II) MUDD-O; (III) UR-2(CD), WITH FIVE (5) YEAR VESTED RIGHTS

EXISTING USES: VACANT

PROPOSED USES: USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES AS ALLOWED IN (I) THE O-2(CD) ZONING DISTRICT FOR THE PORTION OF THE SITE SHOWN AS ZONED O-2(CD) (AS GENERALLY DEPICTED ON THE REZONING PLAN); (II) THE MUDD-O ZONING DISTRICT FOR THE PORTION OF THE SITE SHOWN AS ZONED MUDD-O (AS GENERALLY DEPICTED ON THE REZONING PLAN); AND (III) UR-2(CD) ZONING DISTRICT FOR THE PORTION OF THE SITE SHOWN AS ZONED UR-2(CD) (AS GENERALLY DEPICTED ON THE REZONING PLAN), EACH AS MORE SPECIFICALLY DESCRIBED BELOW IN SECTION 3 (WHICH SHALL CONTROL).

MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT (SEE SECTION 3 FOR MORE DETAILS WHICH SHALL CONTROL):

A. WITH RESPECT TO THE O-2(CD) ZONING DISTRICT:
 - (I) WITHIN DEVELOPMENT AREAS A-1 AND A-2, IN THE AGGREGATE UP TO 320,000 S.F. OF GROSS FLOOR AREA OF OFFICE AND/OR MEDICAL OFFICE USES, AND MEDICAL/HEALTHCARE USES; AND A HEALTH INSTITUTION (INCLUDING WITHOUT LIMITATION, A COMMUNITY HOSPITAL) OF UP TO 150 BEDS (ESTIMATED AT 340,000 SQ. FT.); TOGETHER WITH OTHER USES, INCLUDING WITHOUT LIMITATION ACCESSORY USES, PERMITTED WITHIN THE O-2 ZONING DISTRICT; PROVIDED THAT CERTAIN PERMITTED USES SUCH AS RETAIL/EATING DRINKING ENTERTAINMENT ESTABLISHMENTS (EDEE) ARE SUBJECT TO THE LIMITATIONS SET FORTH WITHIN THE O-2 ZONING DISTRICT AND WHEN DEVELOPED SHALL REDUCE THE AMOUNT OF THE S.F. OF FLOOR AREA OF PERMITTED USES SET OUT IN ITEM (I) ABOVE; AND

- (II) WITHIN DEVELOPMENT AREAS D-1 AND D-2, IN THE AGGREGATE UP TO 910,000 S.F. OF GROSS FLOOR AREA OF OFFICE AND/OR MEDICAL OFFICE USES, MEDICAL/HEALTHCARE USES 910,000 S.F. OF GROSS FLOOR AREA OF OFFICE AND/OR MEDICAL OFFICE USES, AND MEDICAL/HEALTHCARE USES; TOGETHER WITH OTHER USES, INCLUDING WITHOUT LIMITATION ACCESSORY USES, PERMITTED WITHIN THE O-2 ZONING DISTRICT; PROVIDED THAT CERTAIN PERMITTED USES SUCH AS RETAIL/EDEE ARE SUBJECT TO THE LIMITATIONS SET FORTH WITHIN THE O-2 ZONING DISTRICT AND WHEN DEVELOPED SHALL REDUCE THE AMOUNT OF THE S.F. OF FLOOR AREA OF PERMITTED USES SET OUT IN ITEM (I) ABOVE; AND

B. WITH RESPECT TO THE MUDD-O ZONING DISTRICT (I.E. DEVELOPMENT AREA B), WITH UP TO 104,200 SQUARE FEET OF GROSS FLOOR AREA OF GENERAL AND MEDICAL OFFICE USES, MEDICAL/HEALTHCARE USES, BANKS/FINANCIAL INSTITUTIONS, RETAIL, EDEE, BREWERIES, INDOOR RECREATION, CONVENIENCE/GASOLINE SALES USES, PERSONAL SERVICES AND OTHER COMMERCIAL USES (ALL SUCH USES EXCLUDING GENERAL AND MEDICAL OFFICE USES AND BANKS/FINANCIAL INSTITUTIONS USES, BEING REFERRED TO AS "RETAIL/EDEE/PERSONAL SERVICE USES" OR "NON-OFFICE COMMERCIAL USES"); TOGETHER WITH OTHER USES, INCLUDING WITHOUT LIMITATION, ACCESSORY USES AS PERMITTED IN THE MUDD-O ZONING DISTRICT; PROVIDED, HOWEVER, NO MORE THAN 80,000 SQUARE FEET OF GROSS FLOOR AREA OF THE USES SET OUT IN ITEM (I) ABOVE SHALL BE RETAIL/EDEE/PERSONAL SERVICES USES (SUBJECT TO INCREASES PURSUANT TO THE TRANSFER AND CONVERSION RIGHTS DESCRIBED BELOW); AND

C. WITH RESPECT TO UR-2 (CD) ZONING DISTRICT, (I) WITHIN DEVELOPMENT AREA C-1, UP TO 275 MULTI-FAMILY RESIDENTIAL DWELLING UNITS, AS FURTHER DESCRIBED BELOW; (II) WITHIN DEVELOPMENT AREA C-2, UP TO 200 MULTI-FAMILY RESIDENTIAL DWELLING UNITS AND/OR SENIOR LIVING FACILITY UNITS COMPRISED OF INDEPENDENT AND/OR DEPENDENT CARE LIVING UNITS AND CONTINUING CARE/RETIREMENT, PROVIDED THAT SUCH TOTAL OF SUCH MULTI-FAMILY RESIDENTIAL DWELLING UNITS AND SENIOR LIVING FACILITY UNITS SHALL NOT EXCEED 200 UNITS WITHIN DEVELOPMENT AREA C-2; AND (III) WITHIN DEVELOPMENT AREAS E-1 AND E-2 IN THE AGGREGATE UP TO 50 SINGLE FAMILY DETACHED OR ATTACHED RESIDENTIAL DWELLING UNITS; AND SUCH OTHER USES AS DESCRIBED IN SECTION 3; EACH OF ITEMS A, B AND C ABOVE BEING MORE PARTICULARLY DESCRIBED IN SECTION 3 BELOW WHICH SHALL CONTROL, INCLUDING THE CONVERSIONS AND TRANSFER RIGHTS DESCRIBED BELOW IN SECTION 3.

MAXIMUM BUILDING HEIGHT: HEIGHT WILL BE AS SET FORTH IN THE ORDINANCE FOR THE APPLICABLE ZONING DISTRICT EXCEPT THAT THE BUILDING HEIGHT IN THE DEVELOPMENT AREAS B AND C-2 SHALL BE LIMITED AS FURTHER DESCRIBED IN SECTION 3. BUILDING HEIGHT WILL BE MEASURED AS DEFINED BY THE ORDINANCE.

PARKING: AS REQUIRED BY THE ORDINANCE.

KEY MAP

SEAL

PROJECT

STEELE CREEK (1997), LLC

CHARLOTTE, NC

REZONING

RZP-2021-093

LANDDESIGN PROJ.# 1021001

REVISION / ISSUANCE

| NO. | DESCRIPTION | DATE |
|-----|-------------------|----------|
| 1 | INITIAL SUBMITTAL | 03.30.21 |
| 2 | PER CITY COMMENTS | 09.13.21 |
| 3 | PER CITY COMMENTS | 11.15.21 |

DESIGNED BY: KST

DRAWN BY: JYK

CHECKED BY: KST

SCALE

VERT: N/A
HORZ: 1"=200'

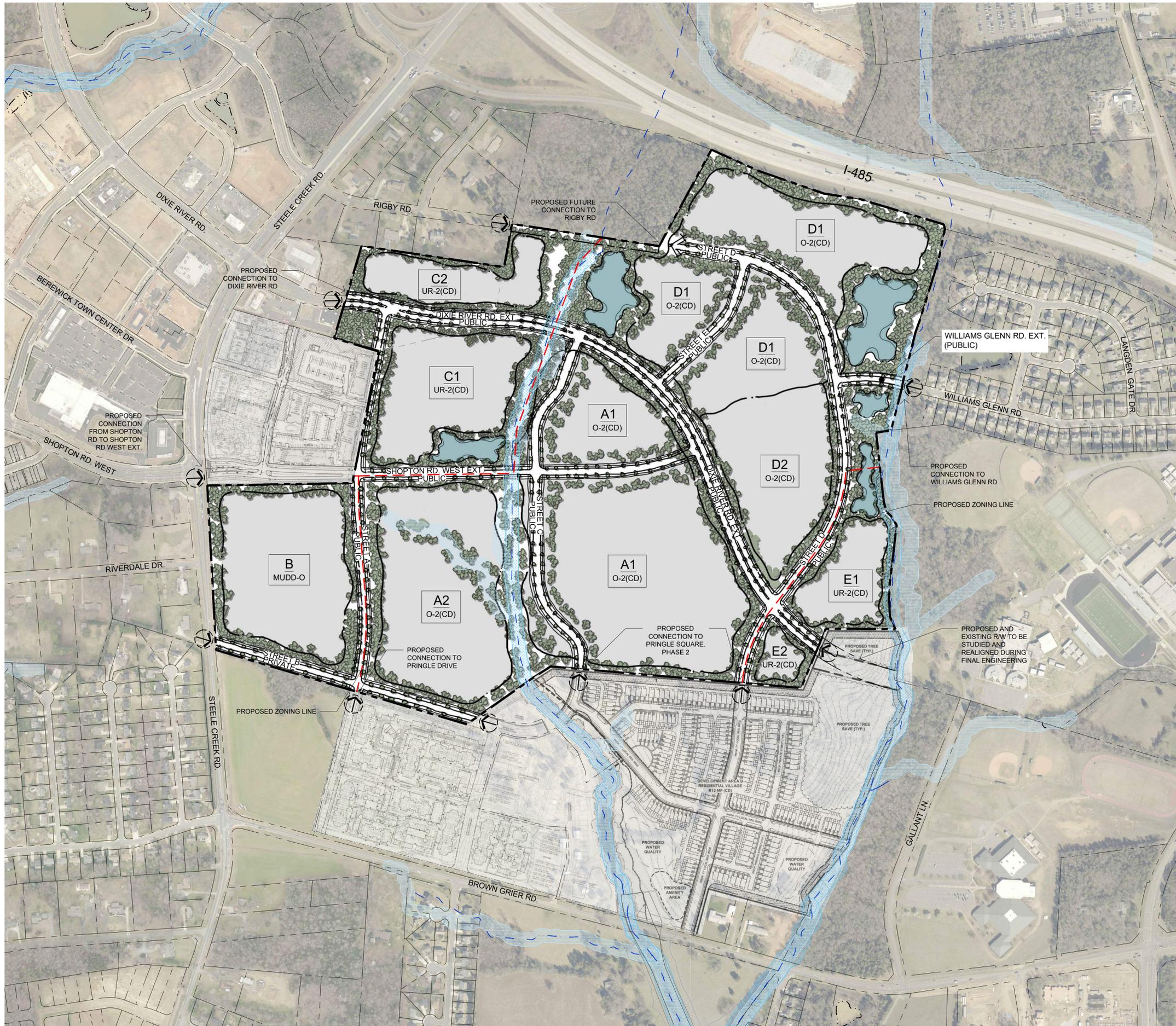
0 100' 200' 400'
ORIGINAL SHEET SIZE: 24" X 36"

SHEET TITLE

TECHNICAL DATA

SHEET NUMBER

RZ-1



KEY MAP

SEAL

PROJECT

**STEELE CREEK
(1997), LLC**

CHARLOTTE, NC
REZONING
RZP-2021-093

LANDESIGN PROJ.# 1021001

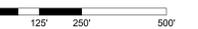
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|-----|-------------------|----------|
| 1 | INITIAL SUBMITTAL | 03.30.21 |
| 2 | PER CITY COMMENTS | 09.13.21 |
| 3 | PER CITY COMMENTS | 11.15.21 |

DESIGNED BY: KST
DRAWN BY: JYK
CHECKED BY: KST

SCALE

VERT: N/A
HORZ: 1"=250'



SHEET TITLE

**SCHEMATIC SITE PLAN
ADJACENT DEVELOPMENTS**

SHEET NUMBER

RZ-3

STEELE CREEK (1997), LLC
DEVELOPMENT STANDARDS

REZONING PETITION NO. 2021-093 (STEELE CREEK ROAD & I-485)
11/15/2021

SITE DEVELOPMENT DATA:

- ACREAGE: ± 184.90 ACRES
-TAX PARCEL #s: #201-091-15 AND #201-091-08
-EXISTING ZONING: R-3
-PROPOSED ZONING: (I) O-2 (CD); (II) MUDD-O; (III) AND UR-2(CD), WITH FIVE (5) YEAR VESTED RIGHTS
-EXISTING USES: VACANT
-PROPOSED USES: USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES AS ALLOWED IN THE O-2(CD) ZONING DISTRICT FOR THE PORTION OF THE SITE SHOWN AS ZONED O-2(CD) (AS GENERALLY DEPICTED ON THE REZONING PLAN); (II) THE MUDD-O ZONING DISTRICT FOR THE PORTION OF THE SITE SHOWN AS ZONED MUDD-O (AS GENERALLY DEPICTED ON THE REZONING PLAN); AND (III) UR-2(CD) ZONING DISTRICT FOR THE PORTION OF THE SITE SHOWN AS ZONED UR-2(CD) (AS GENERALLY DEPICTED ON THE REZONING PLAN), EACH AS MORE SPECIFICALLY DESCRIBED BELOW IN SECTION 3 (WHICH SHALL CONTROL).
--MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT (SEE SECTION 3 FOR MORE DETAILS WHICH SHALL CONTROL):

A. WITH RESPECT TO THE O-2(CD) ZONING DISTRICT:

(I) WITHIN DEVELOPMENT AREAS A-1 AND A-2, IN THE AGGREGATE UP TO 320,000 S.F. OF GROSS FLOOR AREA OF OFFICE AND/OR MEDICAL OFFICE USES, AND MEDICAL/HEALTHCARE USES AND A HEALTH INSTITUTION (INCLUDING WITHOUT LIMITATION, A COMMUNITY HOSPITAL) OF UP TO 150 BEDS (ESTIMATED AT 340,000 SQ. FT.) TOGETHER WITH OTHER USES, INCLUDING WITHOUT LIMITATION, ACCESSORY USES PERMITTED WITHIN THE O-2 ZONING DISTRICT, PROVIDED THAT CERTAIN PERMITTED USES, SUCH AS RETAIL/EATING, DRINKING, ENTERTAINMENT ESTABLISHMENTS (EDEE) ARE SUBJECT TO THE LIMITATIONS SET FORTH WITHIN THE O-2 ZONING DISTRICT AND WHEN DEVELOPED SHALL REDUCE THE AMOUNT OF THE S.F. OF FLOOR AREA OF PERMITTED USES SET OUT IN ITEM (I) ABOVE; AND
(II) WITHIN DEVELOPMENT AREAS D-1 AND D-2, IN THE AGGREGATE UP TO 910,000 S.F. OF GROSS FLOOR AREA OF OFFICE AND/OR MEDICAL OFFICE USES, MEDICAL/HEALTHCARE USES, 910,000 S.F. OF GROSS FLOOR AREA OF OFFICE AND/OR MEDICAL OFFICE USES, AND MEDICAL/HEALTHCARE USES; TOGETHER WITH OTHER USES, INCLUDING WITHOUT LIMITATION ACCESSORY USES, PERMITTED WITHIN THE O-2 ZONING DISTRICT; PROVIDED THAT CERTAIN PERMITTED USES SUCH AS RETAIL/EDGE ARE SUBJECT TO THE LIMITATIONS SET FORTH WITHIN THE O-2 ZONING DISTRICT AND WHEN DEVELOPED SHALL REDUCE THE AMOUNT OF THE S.F. OF FLOOR AREA OF PERMITTED USES SET OUT IN ITEM (I) ABOVE; AND

B. WITH RESPECT TO THE MUDD-O ZONING DISTRICT (I.E. DEVELOPMENT AREA B), WITH UP TO 104,200 SQUARE FEET OF GROSS FLOOR AREA OF GENERAL AND MEDICAL OFFICE USES (MEDICAL/HEALTHCARE USES, BANKS/FINANCIAL INSTITUTIONS, RETAIL, EDGE, BREWERIES, INDOOR RECREATION, CONVENIENCE/GASOLINE SALES USES, PERSONAL SERVICES AND OTHER COMMERCIAL USES (ALL SUCH USES EXCLUDING GENERAL AND MEDICAL OFFICE USES AND BANKS/FINANCIAL INSTITUTIONS USES, BEING REFERRED TO AS "RETAIL/EDGE/PERSONAL SERVICE USES" OR "NON-OFFICE COMMERCIAL USES")); TOGETHER WITH OTHER USES, INCLUDING WITHOUT LIMITATION, ACCESSORY USES AS PERMITTED IN THE MUDD-O ZONING DISTRICT; PROVIDED, HOWEVER, NO MORE THAN 80,000 SQUARE FEET OF GROSS FLOOR AREA OF THE USES SET OUT IN ITEM (I) ABOVE SHALL BE RETAIL/EDGE/PERSONAL SERVICES USES (SUBJECT TO INCREASES PURSUANT TO THE TRANSFER AND CONVERSION RIGHTS DESCRIBED BELOW); AND

C. WITH RESPECT TO UR-2 (CD) ZONING DISTRICT (I) WITHIN DEVELOPMENT AREA C-1 UP TO 275 MULTI-FAMILY RESIDENTIAL DWELLING UNITS, AS FURTHER DESCRIBED BELOW; (II) WITHIN DEVELOPMENT AREA C-2, UP TO 200 MULTI-FAMILY RESIDENTIAL DWELLING UNITS AND/OR SENIOR LIVING FACILITY UNITS COMPRISED OF INDEPENDENT AND/OR DEPENDENT CARE LIVING UNITS AND CONTINUING CARE/RETIREMENT (PROVIDED THAT SUCH TOTAL OF SUCH MULTI-FAMILY RESIDENTIAL DWELLING UNITS AND SENIOR LIVING FACILITY UNITS SHALL NOT EXCEED 200 UNITS WITHIN DEVELOPMENT AREA C-2; AND (III) WITHIN DEVELOPMENT AREAS E-1 AND E-2 IN THE AGGREGATE UP TO 50 SINGLE FAMILY DETACHED OR ATTACHED RESIDENTIAL DWELLING UNITS; AND SUCH OTHER USES AS DESCRIBED IN SECTION 3;

(EACH OF ITEMS A, B, AND C ABOVE BEING MORE PARTICULARLY DESCRIBED IN SECTION 3 BELOW, WHICH SHALL CONTROL, INCLUDING THE CONVERSIONS AND TRANSFER RIGHTS DESCRIBED BELOW IN SECTION 3)

- MAXIMUM BUILDING HEIGHT: HEIGHT WILL BE AS SET FORTH IN THE ORDINANCE FOR THE APPLICABLE ZONING DISTRICT EXCEPT THAT THE BUILDING HEIGHT IN THE DEVELOPMENT AREAS B AND C-2 SHALL BE LIMITED AS FURTHER DESCRIBED IN SECTION 3; BUILDING HEIGHT WILL BE MEASURED AS DEFINED BY THE ORDINANCE.
--PARKING: AS REQUIRED BY THE ORDINANCE.
1. GENERAL PROVISIONS:
a. SITE LOCATION. THESE DEVELOPMENT STANDARDS, THE TECHNICAL DATA SHEET AND SCHEMATIC SITE PLAN, AND RELATED GRAPHICS FORM THE REZONING PLAN (COLLECTIVELY REFERRED TO AS THE "REZONING PLAN") ASSOCIATED WITH THE REZONING PETITION FILED BY STEELE CREEK (1997), LLC ("PETITIONER") TO ACCOMMODATE DEVELOPMENT ON THE APPROXIMATELY 184.9 ACRE SITE LOCATED OFF OF STEELE CREEK ROAD AND I-485 (THE "SITE") OF A MIXED/MULTI-USE COMMERCIAL AND RESIDENTIAL COMMUNITY WITH A COMMUNITY BASED HOSPITAL/HEALTH CARE FACILITY ON THE SITE.
b. DEVELOPMENT AREAS. FOR EASE OF REFERENCE, THE REZONING PLAN SETS FORTH VARIOUS DEVELOPMENT AREAS AS GENERALLY DEPICTED ON SHEET RZ-1, AS DEVELOPMENT AREAS A-1 AND A-2, DEVELOPMENT AREA B, DEVELOPMENT AREAS C-1 AND C-2, DEVELOPMENT AREAS D-1 AND D-2, AND DEVELOPMENT AREAS E-1 AND E-2 (EACH A "DEVELOPMENT AREA" AND COLLECTIVELY THE "DEVELOPMENT AREAS").
c. ZONING DISTRICTS/ORDINANCE. DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN AS WELL AS THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE"). UNLESS THE REZONING PLAN ESTABLISHES MORE STRINGENT STANDARDS, (I) THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE O-2 ZONING CLASSIFICATION FOR THE PORTION OF THE SITE SO DESIGNATED ON THE REZONING PLAN (I.E. CONSISTING OF DEVELOPMENT AREAS A-1, A-2, D-1 AND D-2) SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON SUCH PORTION OF THE SITE; (II) THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE MUDD-O ZONING CLASSIFICATION FOR THE PORTION OF THE SITE SO DESIGNATED ON THE REZONING PLAN (I.E. CONSISTING OF DEVELOPMENT AREAS C-1, C-2, E-1 AND E-2) SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON SUCH PORTION OF THE SITE.
d. GRAPHICS AND ALTERATIONS. THE SCHEMATIC DEPICTIONS OF THE USES, PARKING AREAS, SIDEWALKS, STRUCTURES AND BUILDINGS, BUILDING ELEVATIONS, DRIVEWAYS, STREETS, DEVELOPMENT AREAS AND OTHER DEVELOPMENT MATTERS AND SITE ELEMENTS (COLLECTIVELY THE "DEVELOPMENT/SITE ELEMENTS") SET FORTH ON THE REZONING PLAN SHOULD BE REVIEWED IN CONNECTION WITH THE PROVISIONS OF THE ORDINANCE FOR THE O-2 ZONING CLASSIFICATION, SIZES AND FORMULATIONS OF THE DEVELOPMENT/SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT/SITE ELEMENTS PROPOSED. CHANGES TO THE REZONING PLAN NOT ANTICIPATED BY THE REZONING PLAN WILL BE REVIEWED AND APPROVED AS ALLOWED BY SECTION 6.207 OF THE ORDINANCE.
SINCE THE PROJECT HAS NOT UNDERGONE THE DESIGN DEVELOPMENT AND CONSTRUCTION PHASES, IT IS INTENDED THAT THIS REZONING PLAN PROVIDE FOR FLEXIBILITY IN ALLOWING SOME ALTERATIONS OR MODIFICATIONS FROM THE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT/SITE ELEMENTS. THEREFORE, THERE MAY BE INSTANCES WHERE MINOR MODIFICATIONS WILL BE ALLOWED WITHOUT REQUIRING THE ADMINISTRATIVE AMENDMENT PROCESS PER SECTION 6.207 OF THE ORDINANCE. THESE INSTANCES WOULD INCLUDE CHANGES TO GRAPHICS IF THEY ARE:
(i) EXPRESSLY PERMITTED BY THE REZONING PLAN (IF IT IS UNDERSTOOD THAT IF A MODIFICATION IS EXPRESSLY PERMITTED BY THE REZONING PLAN IT IS DEEMED A MINOR MODIFICATION FOR THE PURPOSES OF THESE DEVELOPMENT STANDARDS); OR
(ii) MINOR AND DON'T MATERIALLY CHANGE THE OVERALL DESIGN INTENT GENERALLY DEPICTED ON THE REZONING PLAN.
THE PLANNING DIRECTOR WILL DETERMINE IF SUCH MINOR MODIFICATIONS ARE ALLOWED PER THIS AMENDED PROCESS, AND IF IT IS DETERMINED THAT THE ALTERATION DOES NOT MEET THE CRITERIA DESCRIBED ABOVE, THE PETITIONER SHALL THEN FOLLOW THE ADMINISTRATIVE AMENDMENT

PROCESS PER SECTION 6.207 OF THE ORDINANCE; IN EACH INSTANCE, HOWEVER, SUBJECT TO THE PETITIONER'S APPEAL RIGHTS SET FORTH IN THE ORDINANCE.

e. NUMBER OF BUILDINGS PRINCIPAL AND ACCESSORY; ACCESSORY BUILDING DESIGN. NOTWITHSTANDING THE NUMBER OF BUILDINGS SHOWN ON THE REZONING PLAN, THE TOTAL NUMBER OF PRINCIPAL BUILDINGS TO BE DEVELOPED: (I) IN THE O-2(CD) ZONED PORTION OF THE SITE THAT CONSISTS OF DEVELOPMENT AREAS D-1 AND D-2 SHALL NOT EXCEED 10; (II) IN THE MUDD-O ZONED PORTION OF THE SITE SHALL NOT EXCEED 10; (IV) ON THE PORTION OF THE SITE ZONED UR-2(CD) THAT CONSISTS OF DEVELOPMENT AREAS C-1 AND C-2 SHALL NOT EXCEED 10; AND (V) IN THE UR-2(CD) ZONED PORTION OF THE SITE THAT CONSISTS OF DEVELOPMENT AREAS E-1 AND E-2 SHALL NOT EXCEED 50 TO ACCOMMODATE SINGLE FAMILY DETACHED AS WELL AS ATTACHED UNITS) PROVIDED, FURTHER, THE MAXIMUM NUMBER OF PRINCIPAL BUILDINGS MAY BE REDUCED. ACCESSORY BUILDINGS AND STRUCTURES LOCATED ON THE SITE SHALL NOT BE CONSIDERED IN ANY LIMITATION ON THE NUMBER OF BUILDINGS ON THE SITE. ACCESSORY BUILDINGS AND STRUCTURES WILL BE CONSTRUCTED UTILIZING SIMILAR BUILDING MATERIALS, COLORS, ARCHITECTURAL ELEMENTS AND DESIGNS AS THE PRINCIPAL BUILDING(S) LOCATED WITHIN THE SAME DEVELOPMENT AREA AS THE ACCESSORY STRUCTURE/BUILDING.

f. PLANNED/UNIFIED DEVELOPMENT. THE SITE (INCLUDING THE VARIOUS DEVELOPMENT AREAS) SHALL BE VIEWED AS A PLANNED/UNIFIED DEVELOPMENT PLAN AS TO THE ELEMENTS AND PORTIONS OF THE SITE GENERALLY DEPICTED ON THE REZONING PLAN, AS SUCH, SIDE AND REAR YARDS, BUFFERS, BUILDING HEIGHT SEPARATION STANDARDS, FAR REQUIREMENTS, AND OTHER SIMILAR ZONING STANDARDS WILL NOT BE REQUIRED INTERNALLY BETWEEN IMPROVEMENTS AND OTHER SITE ELEMENTS LOCATED ON THE SITE. FURTHERMORE, THE PETITIONER AND/OR OWNERS OF THE SITE RESERVE THE RIGHT TO SUBDIVIDE THE PORTIONS OR ALL OF THE SITE AND CREATE LOTS WITHIN THE INTERIOR OF THE SITE WITHOUT REGARD TO ANY SUCH INTERNAL SEPARATION STANDARDS, PUBLIC/PRIVATE STREET FRONTAGE REQUIREMENTS AND FAR REQUIREMENTS, PROVIDED, HOWEVER, ALL SUCH SEPARATIONS AND REQUIREMENTS SHALL BE MAINTAINED AND SHALL BE STRICTLY ADHERED TO AND ALL FAR REQUIREMENTS WILL BE REGULATED BY ANY DEVELOPMENT LIMITATIONS SET FORTH IN SECTION 3 BELOW AS TO THE SITE AS A WHOLE AND NOT INDIVIDUAL PORTIONS OR LOTS LOCATED THEREIN.

g. FIVE YEAR VESTED RIGHTS. PURSUANT TO THE PROVISIONS OF SECTION 1.110 OF THE ORDINANCE AND N.C.G.S. SECTION 160A-383.1, DUE TO THE MASTER PLANNED LARGE SCALE NATURE OF THE DEVELOPMENT AND/OR REDEVELOPMENT, THE LEVEL OF INVESTMENT, THE TIMING OF DEVELOPMENT AND/OR REDEVELOPMENT AND CERTAIN INFRASTRUCTURE IMPROVEMENTS, ECONOMIC CYCLES AND MARKET CONDITIONS, THIS PETITION INCLUDES VESTING OF THE APPROVED REZONING PLAN AND CONDITIONAL ZONING DISTRICTS ASSOCIATED WITH THE PETITION FOR A FIVE (5) YEAR PERIOD, BUT SUCH PROVISIONS SHALL NOT BE DEEMED A LIMITATION ON ANY OTHER VESTED RIGHTS WHETHER AT COMMON LAW OR OTHERWISE.

h. PERSONAL SERVICES. PERSONAL SERVICE USES WILL BE DEFINED AS USES THAT PRIMARILY PROVIDE OR SELL A SERVICE TO CUSTOMERS VERSUS THE SELLING OF GOODS. A PERSONAL SERVICE USE MAY ALSO SELL PRODUCTS OR MERCHANDISE BUT THE SALE OF PRODUCTS AND MERCHANDISE IS TYPICALLY ANCILLARY. EXAMPLES OF PERSONAL SERVICE USES INCLUDE BUT ARE NOT LIMITED TO: BEAUTY SALONS AND BARBER SHOPS, SPA'S, YOGA AND EXERCISE STUDIOS, FITNESS AND WELLNESS FACILITIES, NAIL SALONS, MARTIAL ART TRAINING STUDIOS, LAUNDRIES AND DRY CLEANING ESTABLISHMENTS, LOCKSMITHS, LIMITED SCALE MEDICAL SERVICES SUCH AS OPTOMETRISTS, DENTAL SERVICES, AND THE LIKE.

i. GROSS FLOOR AREA. WHEN DETERMINING THE MAXIMUM DEVELOPMENT LEVELS SET FORTH IN THIS REZONING PLAN, GROSS FLOOR AREA AS DEFINED IN THE ORDINANCE SHALL EXCLUDE ANY SURFACE OR STRUCTURED PARKING FACILITIES (INCLUDING, WITHOUT LIMITATION, CORRIDORS AND ELEVATORS WITHIN SUCH FACILITIES), ENCLOSED LOADING DOCK/SERVICE AREAS, BALCONIES, OUTDOOR DINING AREAS AND ALL GATHERING AREAS WHETHER ON THE ROOF OF A BUILDING OR AT STREET LEVEL.

j. LIMITED SERVICE RESTAURANT. A "LIMITED SERVICE RESTAURANT" OR "LIMITED SERVICE RESTAURANT" (WHETHER CAPITALIZED OR NOT) SHALL MEAN A RESTAURANT WITH NO MORE THAN 3,000 SQUARE FEET OF GROSS FLOOR AREA SERVING PRIMARILY ITEMS THAT DO NOT REQUIRE OUT-OF-REACH COOKING OF FOOD (OTHER THAN HEATING, MICRO-WAVING COOKING OR SIMILAR PROCESS) AND THE BAKING OF PREMISED DOUGH.

k. PROJECT PHASING. DEVELOPMENT TAKING PLACE ON THE SITE MAY OCCUR IN PHASES AND IN SUCH EVENT, EXCEPT AS EXPRESSLY REQUIRED IN THIS REZONING PLAN OR BY THE ORDINANCE, CERTAIN STREETS/CAPE IMPROVEMENTS, ROADWAY IMPROVEMENTS AND THE LIKE MAY TAKE PLACE IN PHASES AND WITH THE PHASE OF DEVELOPMENT TO WHICH SUCH IMPROVEMENTS RELATE AS DESCRIBED HEREIN.

2. OPTIONAL PROVISIONS FOR MUDD-O AREAS (DEVELOPMENT AREA B).

THE FOLLOWING OPTIONAL PROVISIONS SHALL APPLY TO THE PORTION OF THE SITE DESIGNATED MUDD-O ON THE REZONING PLAN (I.E. DEVELOPMENT AREA B):

a. DEVELOPMENT AREA B CIRCULATION. TO ALLOW MANEUVERING AND CIRCULATION FOR ACCESSORY DRIVE-THROUGH WINDOWS AND FOR PARKING AND/OR VALET TO OCCUR BETWEEN BUILDINGS WITHIN DEVELOPMENT AREA B AND: (I) STEELE CREEK ROAD; (II) SHOPTON ROAD WEST EXTENSION; (III) PUBLIC STREET A; AND (IV) PRIVATE STREET B. IN ALL INSTANCES MANEUVERING AND CIRCULATION MAY BE LOCATED TO THE SIDE AND/OR REAR OF BUILDINGS AND PARKING MAY BE LOCATED ALONG SUCH ROADS EXCEPT FOR STEELE CREEK ROAD; PROVIDED, HOWEVER, THE ABOVE REFERENCED MANEUVERING AND CIRCULATION LOCATED ON THE CORNER PARCEL ALONG STEELE CREEK ROAD AND SHOPTON ROAD WEST EXTENSION WITHIN DEVELOPMENT AREA B SHALL BE LIMITED TO TWO (2) DRIVE LANES BETWEEN THE BUILDING THEREON AND SHOPTON ROAD WEST EXTENSION AND STEELE CREEK ROAD.

b. DEVELOPMENT AREA B CIRCULATION (CONT.). TO ALLOW MANEUVERING AND CIRCULATION FOR ACCESSORY DRIVE-THRU WINDOWS AND FOR PARKING AND/OR VALET TO OCCUR BETWEEN THE BUILDINGS WITHIN DEVELOPMENT AREA B AND: (I) PUBLIC STREET A, (II) PRIVATE STREET B, AND (III) THE INTERNAL PRIVATE DRIVES GENERALLY DEPICTED WITHIN DEVELOPMENT AREA B; IT BEING UNDERSTOOD THAT SUCH MANEUVERING AND CIRCULATION SHALL NOT BE ALLOWED BETWEEN THE BUILDINGS LOCATED WITHIN DEVELOPMENT AREA B AT THE INTERSECTION OF PUBLIC STREET A AND PRIVATE STREET B, BUT ON-STREET PARKING MAY BE ALLOWED ALONG SUCH PUBLIC ROADS. IN ALL INSTANCES MANEUVERING AND CIRCULATION MAY BE LOCATED TO THE SIDE AND/OR REAR OF ALL BUILDINGS.

c. DEVELOPMENT AREA B DRIVE-THROUGH FACILITIES. TO ALLOW UP TO THREE (3) USES WITH ACCESSORY DRIVE-THROUGH WINDOW FACILITIES TO BE CONSTRUCTED WITHIN DEVELOPMENT AREA B ABOVE AND ONE CONVENIENCE STORE WITH GASOLINE SALES MAY BE CONSTRUCTED WITHIN DEVELOPMENT AREA B IN LIEU OF A RESTAURANT WITH ACCESSORY DRIVE-THROUGH WINDOW FACILITIES. FURTHERMORE, TWO (2) BANKS/FINANCIAL INSTITUTIONS WITH ACCESSORY DRIVE-THROUGH WINDOW FACILITIES MAY BE LOCATED WITHIN DEVELOPMENT AREAS A-1, A-2, D-1 AND D-2.

d. DEVELOPMENT AREA B SIGNAGE. TO ALLOW ONE (1) DETACHED GROUND MOUNTED SIGN IDENTIFYING THE USES/TENANTS LOCATED WITHIN THE MUDD-O ZONED AREA PER PUBLIC ROAD FRONT, SUCH SIGNS BEING WITHIN DEVELOPMENT AREA B WITH A MAXIMUM HEIGHT OF 20 FEET AND CONTAINING UP TO 150 SQUARE FEET OF SIGN AREA.

e. DOORWAYS. TO NOT REQUIRE DOORWAYS TO BE RECESSED INTO THE FACE OF THE BUILDING(S) WHEN THE ABUTTING SIDEWALK WIDTH IS GREATER THAN 12 FEET AND TO NOT REQUIRE DOORWAYS TO BE RECESSED WHEN THE DOOR WAY IS NOT ORIENTED TO A PUBLIC ROAD (E.G. INTERIOR PARKING AREAS).

f. RETAINING WALLS IN MUDD-O. TO ALLOW RETAINING WALLS WITH A MAXIMUM HEIGHT OF 6' ALONG PUBLIC ROADS. IF DUE TO THE PROPOSED USES RETAINING WALLS OVER SIX (6) FEET ARE REQUIRED ALONG A PUBLIC ROAD THE RETAINING WALLS WILL BE TIERED SO NO SINGLE WALL WILL EXCEED A HEIGHT OF SIX (6) FEET.

3. PERMITTED USES, DEVELOPMENT AREA LIMITATIONS, AND TRANSFER & CONVERSION RIGHTS:

a. USES WITHIN O-2(CD) DISTRICT/DEVELOPMENTS AREA A-1 AND A-2. SUBJECT TO THE RESTRICTIONS, LIMITATIONS, BENEFITS AND TRANSFER/CONVERSION RIGHTS LISTED BELOW, THE PRINCIPAL BUILDINGS CONSTRUCTED WITHIN DEVELOPMENT AREAS A-1 AND A-2 MAY BE DEVELOPED WITH UP TO 1,320,000 S.F. OF GROSS FLOOR AREA OF OFFICE AND/OR MEDICAL OFFICE USES (MEDICAL/HEALTHCARE USES, BANKS/FINANCIAL INSTITUTIONS, AND (II) A HEALTH INSTITUTION (INCLUDING WITHOUT LIMITATION A COMMUNITY HOSPITAL) OF UP TO 150 BEDS (340,000 SQ. FT.) TOGETHER WITH OTHER USES, INCLUDING WITHOUT LIMITATION ACCESSORY USES, PERMITTED WITHIN THE O-2 ZONING DISTRICT; PROVIDED THAT CERTAIN PERMITTED USES SUCH AS RETAIL/EATING DRINKING ENTERTAINMENT ESTABLISHMENTS (EDEE) ARE SUBJECT TO THE LIMITATIONS SET FORTH WITHIN THE O-2 ZONING DISTRICT AND WHEN DEVELOPED SHALL REDUCE THE AMOUNT OF THE S.F. OF FLOOR AREA OF PERMITTED USES SET OUT IN ITEM (I) ABOVE.
BUILDING HEIGHTS WITHIN THE O-2 (CD) DISTRICT SHALL BE CALCULATED IN ACCORDANCE WITH SUCH DISTRICT AND THE ORDINANCE.

b. USES WITHIN O-2(CD) DISTRICT/DEVELOPMENT AREAS D-1 AND D-2. SUBJECT TO THE RESTRICTIONS, LIMITATIONS, BENEFITS AND TRANSFER/CONVERSION RIGHTS LISTED BELOW, THE PRINCIPAL BUILDINGS CONSTRUCTED WITHIN DEVELOPMENT AREAS D-1 AND D-2 MAY BE DEVELOPED

WITH UP TO 910,000 S.F. OF GROSS FLOOR AREA OF OFFICE AND/OR MEDICAL OFFICE USES (MEDICAL/HEALTHCARE USES), BANKS/FINANCIAL INSTITUTIONS; TOGETHER WITH OTHER USES, INCLUDING WITHOUT LIMITATION ACCESSORY USES, PERMITTED WITHIN THE O-2 ZONING DISTRICT; PROVIDED THAT CERTAIN PERMITTED USES SUCH AS RETAIL/EDGE ARE SUBJECT TO THE LIMITATIONS SET FORTH WITHIN THE O-2 ZONING DISTRICT AND WHEN DEVELOPED SHALL REDUCE THE AMOUNT OF THE S.F. OF FLOOR AREA OF PERMITTED USES SET OUT IN ITEM (I) ABOVE.

BUILDING HEIGHTS WITHIN THE O-2 (CD) DISTRICT SHALL BE CALCULATED IN ACCORDANCE WITH SUCH DISTRICT AND THE ORDINANCE.

c. USES WITHIN MUDD-O DISTRICT/DEVELOPMENT AREA B. SUBJECT TO THE RESTRICTIONS, LIMITATIONS, BENEFITS AND TRANSFER/CONVERSION RIGHTS LISTED BELOW, THE PRINCIPAL BUILDINGS CONSTRUCTED WITHIN DEVELOPMENT AREA B ON THE SITE MAY BE DEVELOPED WITH UP TO 104,200 SQUARE FEET OF GROSS FLOOR AREA OF GENERAL AND MEDICAL OFFICE USES, (MEDICAL/HEALTHCARE USES), BANKS/FINANCIAL INSTITUTIONS, RETAIL, EDGE, BREWERIES, INDOOR RECREATION, CONVENIENCE/GASOLINE SALES USES, PERSONAL SERVICES AND OTHER COMMERCIAL USES (ALL SUCH USES EXCLUDING GENERAL AND MEDICAL OFFICE USES AND BANKS/FINANCIAL INSTITUTIONS USES, BEING REFERRED TO AS "RETAIL/EDGE/PERSONAL SERVICE USES"); TOGETHER WITH OTHER USES, INCLUDING WITHOUT LIMITATION, ACCESSORY USES AS PERMITTED IN THE MUDD-O ZONING DISTRICT; PROVIDED HOWEVER NO MORE THAN 80,000 SQUARE FEET OF GROSS FLOOR AREA OF THE USES SET OUT ABOVE SHALL BE RETAIL/EDGE/PERSONAL SERVICE USES (SUBJECT TO INCREASES PURSUANT TO THE TRANSFER AND CONVERSION RIGHTS DESCRIBED BELOW).

BUILDING HEIGHTS WITHIN THE MUDD-O DISTRICT SHALL BE UP TO NINETY-FIVE (95) FEET FOR HOTEL USES; ALL OTHER BUILDINGS SHALL BE UP TO SIXTY-FIVE (65) FEET IN HEIGHT; AND ALL SHALL BE CALCULATED IN ACCORDANCE WITH THE ORDINANCE.

d. USES WITHIN THE UR-2(CD) DISTRICT/DEVELOPMENT AREAS C-1 AND C-2. SUBJECT TO THE RESTRICTIONS, LIMITATIONS, BENEFITS AND TRANSFER/CONVERSION RIGHTS LISTED BELOW, THE PRINCIPAL BUILDINGS CONSTRUCTED WITHIN DEVELOPMENT AREA C-1 MAY BE DEVELOPED WITH UP TO 275 RESIDENTIAL DWELLING UNITS OF ALL TYPES AND WITHIN DEVELOPMENT AREA C-2 MAY BE DEVELOPED WITH UP TO 200 MULTI-FAMILY DWELLING UNITS AND/OR SENIOR LIVING FACILITY UNITS WITH INDEPENDENT AND DEPENDENT LIVING UNITS INCLUDING WITHOUT LIMITATION CONTINUING CARE/RETIREMENT USES (PROVIDED THAT NO MORE THAN 200 MULTI-FAMILY UNITS OR SENIOR LIVING UNITS IN THE AGGREGATE MAY BE DEVELOPED IN DEVELOPMENT AREA C-2) EACH TOGETHER WITH OTHER USES, INCLUDING WITHOUT LIMITATION ACCESSORY USES, PERMITTED WITHIN THE UR-2(CD) ZONING DISTRICT, SUCH ACCESSORY USES MAY INCLUDE, WITHOUT LIMITATION, COMMUNITY CLUBHOUSE, RECREATION, OPEN SPACE AND RELATED USES (E.G. IMPROVED PASSIVE AND ACTIVE OPEN SPACES, PICNIC/GATHERING SHELTERS, GAZEBOS, BALL FIELDS, MAINTENANCE BUILDINGS, OUTDOOR RECREATIONAL USES, AND OTHER USES TYPICALLY ASSOCIATED WITH RESIDENTIAL COMMUNITIES ETC.).

BUILDING HEIGHTS WITHIN DEVELOPMENT AREA C-1 SHALL BE CALCULATED IN ACCORDANCE WITH THE UR-2 DISTRICT AND THE ORDINANCE; AND BUILDING HEIGHTS WITHIN DEVELOPMENT AREA C-2 SHALL BE UP TO EIGHTY-FIVE FEET (85') AND OTHERWISE CALCULATED IN ACCORDANCE WITH THE ORDINANCE.

e. USES WITHIN THE UR-2(CD) DISTRICT/DEVELOPMENT AREAS E-1 AND E-2. SUBJECT TO THE RESTRICTIONS, LIMITATIONS, BENEFITS AND TRANSFER/CONVERSION RIGHTS LISTED BELOW, THE PRINCIPAL BUILDINGS CONSTRUCTED WITHIN DEVELOPMENT AREAS E-1 AND E-2 MAY BE DEVELOPED WITH UP TO 50 SINGLE FAMILY DETACHED OR ATTACHED RESIDENTIAL DWELLING UNITS, TOGETHER WITH OTHER USES, INCLUDING WITHOUT LIMITATION ACCESSORY USES, PERMITTED WITHIN THE UR-2(CD) ZONING DISTRICT, SUCH ACCESSORY USES MAY INCLUDE, WITHOUT LIMITATION, COMMUNITY CLUBHOUSE, RECREATION, OPEN SPACE AND RELATED USES (E.G. IMPROVED PASSIVE AND ACTIVE OPEN SPACES, PICNIC/GATHERING SHELTERS, GAZEBOS, BALL FIELDS, MAINTENANCE BUILDINGS, OUTDOOR RECREATIONAL USES, AND OTHER USES TYPICALLY ASSOCIATED WITH RESIDENTIAL COMMUNITIES ETC.).

BUILDING HEIGHTS WITHIN DEVELOPMENT AREAS E-1 AND E-2 SHALL BE CALCULATED IN ACCORDANCE WITH THE UR-2 DISTRICT AND THE ORDINANCE.

f. CONVERSION RIGHTS. NOTWITHSTANDING THE PROVISIONS OF SECTION 3 ABOVE, THE FOLLOWING ADJUSTMENTS TO THE DEVELOPMENT LEVELS MAY BE PERMITTED IN ORDER TO PROVIDE APPROPRIATE FLEXIBILITY IN THE MIX OF USES OVER TIME WHILE STILL ACCOUNTING FOR CONSIDERATIONS ASSOCIATE WITH TRAFFIC ADEQUACY AND THE NATURE OF THE OVERALL MASTER PLAN:

i. (IN ADDITION TO OTHER CONVERSION/TRANSFER RIGHTS DESCRIBED HEREIN, RETAIL, EDGE, PERSONAL SERVICES AND OTHER NON-OFFICE COMMERCIAL USES PERMITTED WITHIN THE SITE MAY BE CONVERTED INTO OFFICE USES, OR VICE VERSA (OFFICE CONVERTED INTO SUCH NON-OFFICE COMMERCIAL USES) AT A RATE OF ONE (1) SQUARE FOOT OF GROSS FLOOR OF SUCH USES SO CONVERTED TO ONE SQUARE-FOOT OF INCREASED USES (PROVIDED THAT (X) NO MORE THAN 125,000 S.F. OF GROSS FLOOR AREA OF PERMITTED OFFICE USES (E.G. ±10% OF TOTAL AGGREGATE OFFICE USES) OF 123,000 S.F. ON THE SITE AS DESCRIBED IN THE REZONING PLAN) MAY BE CONVERTED TO NON-OFFICE COMMERCIAL USES, AND (Y) NO MORE THAN 10,420 S.F. OF GROSS FLOOR AREA OF PERMITTED NON-OFFICE COMMERCIAL USES (E.G. ±10% TOTAL AGGREGATE NON-COMMERCIAL USES ON THE SITE AS DESCRIBED IN THE REZONING PLAN) MAY BE CONVERTED TO OFFICE USES.

g. TRANSFER RIGHTS. IN ORDER TO PROVIDE FLEXIBILITY IN RESPONDING TO MARKET AND OTHER FACTORS, PROVIDED THAT APPLICABLE USES ARE PERMITTED WITHIN THE DESIGNATED DEVELOPMENT AREAS, UP TO 20% OF THE DEVELOPMENT LEVELS SET FORTH FOR AN APPLICABLE DEVELOPMENT AREA OR AREAS MAY BE TRANSFERRED TO ANOTHER DEVELOPMENT AREA OR AREAS WHERE SUCH USE IS PERMITTED.

h. TRACKING. AN ENTITLEMENT TRACKING CHART SHALL BE PROVIDED TO PLANNING, DESIGN, AND DEVELOPMENT DEPARTMENT WITH EACH LAND DEVELOPMENT APPLICATION SUBMITTAL, WHICH SHALL PROVIDE, IF APPLICABLE, A WRITTEN SUMMARY OF THE ENTITLEMENTS SO CONVERTED OR TRANSFERRED AND THE RESULTING MODIFICATIONS TO THE DEVELOPMENT LEVELS PERMITTED IN THIS REZONING PLAN.

i. DRIVE THROUGH WINDOW USES. DEVELOPMENT AREA B (TWO (2) RESTAURANTS WITH ACCESSORY DRIVE-THROUGH WINDOW FACILITIES, A LIMITED SERVICE RESTAURANT WITH ACCESSORY DRIVE-THROUGH WINDOW FACILITIES LOCATED WITHIN A MULTI-TENANT BUILDING AND ONE (1) BANK/FINANCIAL INSTITUTION USE WITH ACCESSORY DRIVE-THROUGH WINDOW FACILITIES) MAY BE CONSTRUCTED WITHIN DEVELOPMENT AREA B AS ALLOWED BY THE OPTIONAL PROVISIONS ABOVE AND ONE CONVENIENCE STORE WITH GASOLINE SALES MAY BE CONSTRUCTED WITHIN DEVELOPMENT AREA B IN LIEU OF A RESTAURANT WITH ACCESSORY DRIVE-THROUGH WINDOW FACILITIES. FURTHERMORE, TWO (2) BANKS/FINANCIAL INSTITUTIONS WITH ACCESSORY DRIVE-THROUGH WINDOW FACILITIES MAY BE LOCATED WITHIN DEVELOPMENT AREAS A-1, A-2, D-1 AND D-2.

j. PARKING PROHIBITED AS A PRINCIPAL USE. PARKING WILL NOT BE ALLOWED WITHIN THE MUDD-O ZONED AREA AS A (PRINCIPAL) USE. PARKING AREAS CONSTRUCTED WITHIN EACH DEVELOPMENT AREA WILL BE CONSTRUCTED AS PART OF AN ALLOWED NON-RESIDENTIAL OR RESIDENTIAL USE AND SHALL BE ALLOWED ON AN INTERIM BASIS AS CONSTRUCTION TAKES PLACE.

4. TRANSPORTATION IMPROVEMENTS AND ACCESS/PEDESTRIAN CIRCULATION:

I. PROPOSED IMPROVEMENTS:

THE PETITIONER PLANS TO PROVIDE OR CAUSE TO BE PROVIDED ON ITS OWN OR IN COOPERATION WITH OTHER PARTIES WHO MAY IMPLEMENT PORTIONS OF THE IMPROVEMENTS, THE IMPROVEMENTS SET FORTH BELOW TO BENEFIT OVERALL TRAFFIC PATTERNS THROUGHOUT THE AREA IN ACCORDANCE WITH THE FOLLOWING IMPLEMENTATION PROVISIONS:

THE FOLLOWING ROADWAY IMPROVEMENTS WILL BE MADE BY THE PETITIONER AS PART OF THE REDEVELOPMENT OF THE SITE AS PROPOSED BY THE REZONING PLAN IN ACCORDANCE WITH THE PHASING DESCRIBED BELOW:

a. PHASE I IMPROVEMENTS:

(TO BE FORTHCOMING (UPON FINAL INPUT FROM CDOT))

THE FOLLOWING ROADWAY IMPROVEMENTS SHALL BE SUBSTANTIALLY COMPLETED PRIOR TO SECTION 3.F, MAY BE DEVELOPED PRIOR TO COMPLETION OF ADDITIONAL IMPROVEMENTS (THE "PHASE I PERMITTED DEVELOPMENT"):

(TO BE FORTHCOMING (UPON FINAL INPUT FROM CDOT))

b. PHASE II IMPROVEMENTS & FULL BUILD-OUT:

THE FOLLOWING ROADWAY IMPROVEMENTS TOGETHER WITH THOSE DESCRIBED IN SUBSECTION A ABOVE SHALL BE SUBSTANTIALLY COMPLETED PRIOR TO ASSOCIATED WITH DEVELOPMENT BEYOND THE PHASE I (PERMITTED) DEVELOPMENT, AND UPON SUBSTANTIAL COMPLETION OF SUCH IMPROVEMENTS, DEVELOPMENT EQUAL TO THE PHASE I PERMITTED

DEVELOPMENT TOGETHER WITH THE REMAINING (THE "PHASE II PERMITTED DEVELOPMENT") AND TOGETHER WITH THE PHASE (DEVELOPMENT) I, BEING "FULL BUILD-OUT DEVELOPMENT" MAY BE DEVELOPED WITHOUT COMPLETION OF ANY ADDITIONAL IMPROVEMENTS:

(TO BE FORTHCOMING)

II. STANDARDS, PHASING AND OTHER PROVISIONS.

a. CDOT STANDARDS. ALL OF THE FOREGOING PUBLIC ROADWAY IMPROVEMENTS WILL BE SUBJECT TO THE STANDARDS AND CRITERIA OF CDOT (AS IT RELATES TO THE ROADWAY IMPROVEMENTS WITHIN ITS ROAD SYSTEM AUTHORITY). IT IS UNDERSTOOD THAT SUCH IMPROVEMENTS MAY BE UNDERTAKEN BY THE PETITIONER ON ITS OWN OR IN CONJUNCTION WITH OTHER DEVELOPMENT OR ROADWAY PROJECTS TAKING PLACE WITHIN THE STEELE CREEK ROAD WAY OF ANY APPLICABLE PRIVATE/PUBLIC PARTNERSHIP EFFORT OR OTHER PUBLIC SECTOR PROJECT SUPPORT.

b. PHASING & SUB-PHASING ADJUSTMENTS TO REQUIRED ROADWAY IMPROVEMENTS. PHASING OF THE ROADWAY IMPROVEMENTS IS SET FORTH BY SUBSECTION 1.A. ABOVE BUT CAN BE ALTERED WITH THE MUTUAL WRITTEN CONSENT OF PETITIONER, CDOT AND AN APPLICABLE NCDOT ON AN ADMINISTRATIVE BASIS (FURTHERMORE, SUB-PHASES OF DEVELOPMENT WITHIN THE PRIMARY PHASE I PERMITTED DEVELOPMENT AND PHASE II PERMITTED DEVELOPMENT MAY BE IMPLEMENTED UPON SATISFACTORY REVIEW AND APPROVAL BY PETITIONER, CDOT AND AS APPLICABLE NCDOT OF APPLICABLE TRANSPORTATION ANALYSIS OF THE REQUESTED SUB-PHASE OF DEVELOPMENT AND ADJUSTMENTS TO THE LEVEL OF REQUIRED ROADWAY IMPROVEMENTS MAY BE APPROVED AND IMPLEMENTED ON AN ADMINISTRATIVE BASIS).

c. RIGHT OF-WAY DEDICATION. SUBJECT TO THE QUALIFICATIONS SET FORTH HEREIN, RIGHT-OF-WAY TO BE DEDICATED FOR THE REQUIRED ROADWAY IMPROVEMENTS DESCRIBED IN ABOVE WILL BE DEDICATED VIA FEE SIMPLE CONVEYANCE BEFORE THE CERTIFICATE OF OCCUPANCY IS ISSUED FOR THE LEVEL OF IMPROVEMENTS REQUIRED BY THE PHASING TIED TO THE IDENTIFIED ROADWAY IMPROVEMENTS AS DESCRIBED ABOVE AND ON THIS REZONING PLAN. THE PETITIONER WILL PROVIDE A PERMANENT SIDEWALK EASEMENT FOR ANY OF THE PROPOSED SIDEWALKS LOCATED ALONG THE PUBLIC STREETS LOCATED OUTSIDE OF THE RIGHT-OF-WAY. THE PERMANENT SIDEWALK EASEMENT WILL BE LOCATED AT A MINIMUM OF TWO (2) FEET BEHIND THE SIDEWALK WHERE FEASIBLE.

d. SUBSTANTIAL COMPLETION. REFERENCE TO "SUBSTANTIAL COMPLETION" OR "SUBSTANTIALLY COMPLETED" FOR CERTAIN IMPROVEMENTS AS SET FORTH IN THE PROVISIONS OF SECTION 4.II ABOVE SHALL MEAN COMPLETION OF THE ROADWAY IMPROVEMENTS IN ACCORDANCE WITH THE STANDARDS SET FORTH IN SECTION 4.II.A ABOVE PROVIDED, HOWEVER, IN THE EVENT CERTAIN NON-ESSENTIAL ROADWAY IMPROVEMENTS (AS REASONABLY DETERMINED BY CDOT) ARE NOT COMPLETED AT THE TIME THAT THE PETITIONER SEEKS TO OBTAIN A CERTIFICATE OF OCCUPANCY FOR BUILDING(S) ON THE SITE IN CONNECTION WITH RELATED DEVELOPMENT PHASING DESCRIBED ABOVE, THEN CDOT WILL INSTRUCT APPLICABLE AUTHORITIES TO ALLOW THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR THE APPLICABLE BUILDINGS, AND IN SUCH EVENT THE PETITIONER MAY BE ASKED TO POST A LETTER OF CREDIT OR A BOND FOR ANY IMPROVEMENTS NOT IN PLACE AT THE TIME SUCH A CERTIFICATE OF OCCUPANCY IS ISSUED TO SECURE COMPLETION OF THE APPLICABLE IMPROVEMENTS.

e. RIGHT-OF-WAY AVAILABILITY. IT IS UNDERSTOOD THAT SOME OF THE PUBLIC ROADWAY IMPROVEMENTS REFERENCED IN SUBSECTION 1. ABOVE MAY NOT BE POSSIBLE WITHOUT THE ACQUISITION OF ADDITIONAL RIGHT OF WAY. IF AFTER THE EXERCISE OF DILIGENT GOOD FAITH EFFORTS OVER A MINIMUM OF A 60 DAY PERIOD, THE PETITIONER IS UNABLE TO ACQUIRE ANY LAND NECESSARY TO PROVIDE FOR ANY SUCH ADDITIONAL RIGHT OF WAY UPON COMMERCIALY REASONABLE TERMS, THE PETITIONER SHALL OBTAIN THE RIGHT OF WAY IN CONNECTION WITH RELATED DEVELOPMENT PHASING DESCRIBED ABOVE, THEN CDOT WILL INSTRUCT APPLICABLE AUTHORITIES TO ALLOW THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR THE APPLICABLE BUILDINGS; PROVIDED, HOWEVER, PETITIONER CONTINUES TO EXERCISE GOOD FAITH EFFORTS TO COMPLETE THE APPLICABLE ROADWAY IMPROVEMENTS; IN SUCH EVENT THE PETITIONER MAY BE ASKED TO POST A LETTER OF CREDIT OR A BOND FOR ANY IMPROVEMENTS NOT IN PLACE AT THE TIME SUCH A CERTIFICATE OF OCCUPANCY IS ISSUED TO SECURE COMPLETION OF THE APPLICABLE IMPROVEMENTS.

f. ALTERNATIVE IMPROVEMENTS; MITIGATION IN LIEU. IN ADDITION TO OTHER PROVISIONS SET FORTH HEREIN, CHANGES TO THE ABOVE REFERENCED ROADWAY IMPROVEMENTS CAN BE APPROVED THROUGH THE ADMINISTRATIVE AMENDMENT PROCESS UPON THE DETERMINATION AND MUTUAL AGREEMENT OF PETITIONER, CDOT AND THE PLANNING DIRECTOR; PROVIDED, HOWEVER, THE PROPOSED ALTERNATE TRANSPORTATION IMPROVEMENTS PROVIDE (IN THE AGGREGATE) COMPARABLE TRANSPORTATION NETWORK BENEFITS TO THE IMPROVEMENTS IDENTIFIED IN THIS SECTION. IN ADDITION, THE RIGHT OF WAY IS NOT AVAILABLE FOR AN REASON AFTER THE GOOD FAITH EFFORTS OF THE PETITIONER, THE PETITIONER MAY WORK WITH THE CDOT AND/OR NCDOT AS APPLICABLE TO EITHER (I) IDENTIFY ALTERNATIVE IMPROVEMENTS TO IMPLEMENT TRAFFIC MITIGATION IN LIEU OF THE IMPROVEMENTS IMPACTED BY THE LACK OF RIGHT OF WAY AS DESCRIBED IN SUBSECTION F. BELOW; OR (II) CONTRIBUTE TO THE CITY AND/OR NCDOT AS APPLICABLE, AN AMOUNT EQUAL TO THE ESTIMATED COST OF THE ROAD IMPROVEMENTS NOT COMPLETED DUE TO THE LACK OF AVAILABLE RIGHT OF WAY, SUCH FUNDS TO BE USED TO COMPLETE SUCH ALTERNATIVE ROADWAY IMPROVEMENTS IN THE GENERAL AREA OF THE SITE IN A MANNER REASONABLE AGREEABLE TO THE PETITIONER, THE CDOT AND/OR NCDOT AS APPLICABLE.

g. STREET NETWORK. THE OVERALL STREET NETWORK IS CONCEPTUAL IN NATURE AND MAY BE ADJUSTED DURING THE PERMITTING PROCESS SO LONG AS THE PROVISIONS OF THE ORDINANCE RELATED TO CONNECTIVITY, BLOCK LENGTHS AND LINKS ARE ADHERED TO.

III. ACCESS, AND PEDESTRIAN CIRCULATION.

a. EXTERNAL ACCESS POINTS. ACCESS TO THE SITE WILL BE IN THE MANNER GENERALLY DEPICTED ON THE REZONING PLAN INCLUDING WITHOUT LIMITATION DIXIE RIVER ROAD EXTENSION, SHOPTON ROAD WEST EXTENSION AND WILLIAMS GLENN ROAD EXTENSION.

b. INTERNAL ACCESS POINTS. THE NUMBER AND LOCATION OF ACCESS POINTS INTERNAL TO THE SITE TO AND FROM THE PUBLIC ROADS AND INTERNAL DRIVEWAYS WILL BE DETERMINED DURING THE BUILDING PERMIT PROCESS AND THEREAFTER ADDITIONAL OR FEWER DRIVEWAYS AND/OR ADDITIONAL ROADS MAY BE INSTALLED OR REMOVED WITH APPROVAL FROM APPROPRIATE GOVERNMENTAL AUTHORITIES SUBJECT TO APPLICABLE STATUTES, ORDINANCES AND REGULATIONS.

c. CROSS-SECTION FOR DESIGNATED PUBLIC NETWORK STREETS. THE PUBLIC ROADS AS GENERALLY DEPICTED ON SHEET RZ-1 WILL BE DESIGNED TO MEET AN ACCEPTABLE PUBLIC STREET CROSS-SECTION AS DEPICTED ON SHEET RZ-2.

d. MODIFICATIONS. MINOR MODIFICATIONS TO THE ALIGNMENT OF THE INTERNAL VEHICULAR CIRCULATION AND DRIVEWAYS MAY BE MADE BY THE PETITIONER, WITH THE APPROVAL OF PLANNING AND CDOT, TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS, PARKING LAYOUTS AND ANY ADJUSTMENTS REQUIRED FOR APPROVAL IN ACCORDANCE WITH PUBLISHED STANDARDS.

e. PUBLIC ROAD DESIGNATIONS AND INSTALLATIONS. PUBLIC ROADS WILL BE EXTENDED, CONSTRUCTED AND DEDICATED AS PUBLIC ROADS IN ACCORDANCE WITH THE PHASING PLAN DESCRIBED ABOVE IN THIS SECTION 4.

5. ARCHITECTURAL STANDARDS AND PARKING LOCATION RESTRICTIONS

a. MUDD-O DESIGN STANDARDS. IT IS INTENDED THAT REZONING PLAN FOR THE PORTION OF THE SITE ZONED MUDD-O PROVIDE A HORIZONTAL MIX OF USES THAT INCLUDES OFFICE, RETAIL, EDGE, PERSONAL SERVICE USES, AND OTHER PERMITTED USES IN A MANNER THAT CREATES A UNIFIED DEVELOPMENT PATTERN WITH GENERALLY COORDINATED STREETScape ELEMENTS, LANDSCAPING, OPEN SPACES AND QUALITY BUILDING MATERIALS. THE REZONING PLAN FOR THE PORTION OF THE SITE ZONED MUDD-O WILL SEEK TO EMPHASIZE PEDESTRIAN CONNECTIONS BETWEEN USES AND CREATE A LINK BETWEEN THE NON-RESIDENTIAL USES ALONG STEELE CREEK ROAD THE ADJACENT USES. LONG EXPANSIONS OF BLANK WALLS IN EXCESS OF 20 FEET WILL BE LIMITED, AND WHERE THEY ARE NECESSARY WILL BE TREATED WITH A COMBINATION OF ARCHITECTURAL EXPRESSIONS SUCH AS CHANGES TO WINDOW, PRE-CAST STONE, PIERCEMENT WINDOWS, BUILDING SEBRACK AND LANDSCAPING ARTWORK, DISPLAY CASES OR OTHER SIMILAR ITEMS. (NOTE: TO DISCUSS PUBLIC STREET & SCREENING WITH LANDSCAPING)

b. NON-RESIDENTIAL DESIGN STANDARDS. IN ADDITION TO SUBSECTION 5.A. ABOVE AS TO THE PORTION OF THE SITE ZONED MUDD-O, NON-RESIDENTIAL BUILDINGS SHALL ADHERE TO THE FOLLOWING STANDARDS:

i. BUILDING MATERIALS. THE PRINCIPAL BUILDINGS CONSTRUCTED ON THE PORTION

